

**Brentwood Planning Board
Minutes –August 7, 2014**

Members Present: Bruce Stevens, Chairman Bob Magnusson, Vice Chair
 Kevin Johnston Steve Hamilton
 Mark Kennedy

Also present: Nick Cricenti of SFC Engineering and Doug Cowie of the Conservation Commission

7:00 open

Minutes – Mail – Board Business

Stevens opened the meeting at 7:00 pm.

The manifest was signed.

Nancy Russo of Rockingham Adult Medical Day Services was in to speak with the Board. She explained that this is a service that was once at the Rockingham County Nursing Home, but was stopped, and she is requesting the PB permission to rent a portion of The Castles (tax map 203.033). Circuit Rider Planner Glenn Greenwood was not present, but in his notes he states that this site has been previously approved for institutional uses, and has no concern with this proposal.

Motion made by Hamilton, 2nd by Kennedy to approve this as a continuation of a previously approved use, and that no site plan is required: all were in favor. Stevens signed the Zoning Regulation needed for the state, and Russo thanked the Board.

The Board is also in receipt of a request from Jennifer Briggs of A Place To Grow day care, currently located on Commercial Drive, to relocate her facility to the Grace Ministries facility (tax map 209.071). Greenwood's comments state that this facility has been used in this capacity for about 20 years. His note states that there is ample parking on the site, the Fire Department has signed off on the proposal with minor modifications and this seems to be a continuation of a previously approved use.

Motion made by Magnusson, 2nd by Hamilton that this is the same as a previously approved use, and that no site plan is required: all were in favor.

Public Hearings:

Continued Hearing: Subdivision Harbor Street Ltd, Development – Scenic Road portion tax map 218.047

Present for this discussion was Joe Falzone of Harbor Street, and abutter Eric Trump. Stevens commented that the applicant had met with the town engineer with regards to the driveway location and the cutting of trees on a road classified as a Scenic Road. Photos of the two trees to be cut had been sent to members to view, a 6 inch Hickory and an 8 inch Hickory. Magnusson said he drove by the site, and that the comments regarding drainage from town engineer Steve Cummings are important, that there needs to be improvement on the ditch line. Falzone said that now that the driveways have been located they are doing the SWPPP plans, and he has agreed to do a small level spreader at the bottom of the hill, as Cummings suggested.

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Motion made by Kennedy, 2nd by Magnusson to approve the cutting of the trees: all were in favor. Falzone thanked the Board for their time this evening.

New Hearing: Amendment to a previously approved site plan: Hayward Realty Investment, LLC – tax map 217.026

Paperwork is in order and abutters legally notified from the list provided by the applicant. There were no abutters present.

Motion made by Kennedy, 2nd by Magnusson to accept jurisdiction: all were in favor.

Present for this discussion was applicant Dennis Hayward and Denis Hamel of Cammett Engineering. Hamel said in 2005 they were in for the original project that had 2 buildings on it, to be built in two phases. They want to make the 2nd building (not yet constructed) larger than the original approval, to be the same as building one. Hamel said that after several years they realized that they did not have enough parking for tenants, and this proposal addresses that issue. He said this amendment is to increase both the size of the 2nd building and also increase the parking spaces.

Hamel said they previously had an amended site plan approved by the Board (August 2013) to correct some issues that were done on the first phase, saying most have been done. He said the ones not done are involved in the new construction. Hamilton asked about the letter from the CC (signed by Chairman Rob Wofchuck), the portion that mentioned improperly filling wetland buffer with gravel parking, not installing guard rails and improper paving. Hamel said the amended site plan done last year addressed those issues. Hamilton asked if those three things have been corrected, and Hamel said the gravel parking lot is still there, and that there is a reason for that. He said the wetland line has changed. He said there was a beaver dam on the site when the original plan was done, and that is now gone. Mark West, a certified soil scientist re-flagged the wetlands in November 2013. Hamel said now the gravel parking is no longer in the wetland buffer, so they did not remove the gravel area because they wanted to come back to the PB. During the 2013 SPR it was mentioned that the beaver dam no longer existed and that the wetlands had changed. At that time Stevens suggested they hire a soil scientist to determine the wetlands. Magnusson asked why that wasn't done before the amended plan of 2013 was finalized. He said it is a problem that they now have an application before the PB, and the other work wasn't completed. St. Hilaire said the amended plan was recorded August 1, 2013, and no work could start until after that. They hired the soil scientist in October of that year. She said Hayward e mailed the PB office during the winter months of the status of what he has done, or was doing. Hamel said that since the original plan, the town has new regulations, stormwater management ordinances that created a tremendous amount of additional work, the land had to be marked by a soil scientist, and they needed an Alteration of Terrain permit from the state. Magnusson said that does not have anything to do with modifying and resolving the wetland limits. Stevens said the plan was recorded in August and had new information in October, and said if it is not wetland, they would not have to resolve. Magnusson said they should have come in and resolved the wetland limit as soon as they had the information. He said they have an applicant before them tonight that had work approved

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that hasn't started in a year. Stevens said it was clear last fall that the work was not required and Magnusson said they are coming in a year later to amend the plan, and it is sloppy.

Hamel said they did not install the guard rails mentioned in the CC letter because that is within the same area they are before the board with tonight. Hamel said the CC comment regarding the improperly paved area was allowed by the PB to stay during the amendment in 2013. He said there were things completed from the amended plan: the swales were built; the added pavement was shimmed to slope to the existing catch basin and the moving of the earth stockpiles. At that point they decided to revise the plan again, to increase the size of the building and do a better job with the parking, paving, and loading, and this prompted the AoT permit. Hamel said they met with Greenwood a couple months ago to go over this as it progressed.

Kennedy asked if the CC was aware of the wetland map changes and St. Hilaire said that the chairman, Rob Wofchuck received a copy of the notice of the hearing and stopped by the PB office and took a set of the plans. Cowie said the CC did not meet, but that Wofchuck had reviewed the plan and e mailed the CC members with as much information as he could, and asked if they had any comments. Kennedy said he was not aware the wetland line was moved and asked if the CC as a group was aware of the changes.

Cowie said he was asked to come by Wofchuck, and said what is troubling Wofchuck is they go off and do whatever they do, and beg forgiveness after, and they need to live up to what they have already done. Stevens said the applicant has the right to come back before the PB and be given a fair chance to explain themselves. Cowie said he is just the messenger and Stevens said that is a poor message for a Board to convey, to jeopardize a plan before they have had a chance to explain themselves. He said they have a right to present a new plan, and as far as enforcement, there are options the town can pursue to enforce the plan, and bonds put in place to protect them.

Hamel said the comments from town engineer Steve Cummings were minor, (on file) and they will take care of them.

Hamel explained the plans and the revised wetland and soil mapping. The site plan shows the existing building, proposed building and parking. The wetland and shoreland buffers are also shown on the plans. Greenwood's comments state that town zoning prohibits building within the 100 foot shoreland buffer, therefore the parking lot cannot go within the buffer without ZBA relief. Hamel said this is not a building, just a parking lot, Kennedy agreed.

Hamel read his support for the request for a Conditional Use Permit for construction within the Shoreland Protection District (Article 700.004.003.007) for discussion purposes.

1. *The proposed use will not detrimentally affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions.* Hamel's response was that the surface water quality will not be detrimentally affected from this project

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because: the stormwater runoff is controlled and treated as outlined in Brentwood Stormwater Management regulations and NHDES Alteration of Terrain regulations. All activity is greater than 50' from the resource area. There is no increase in runoff as a result of stormwater controls. Hamel said the proposed stormwater system is a state-of-the-art "green" technology, 100% infiltration of the stormwater, no run-off from the building or pavement going into the resource area. Stevens said that Greenwood's note support this. Hamilton said that this one is not a problem.

2. *The proposed use will discharge no waste water on site in excess of one thousand (1,000) gallons per day, and will not involve on site storage or disposal of hazardous or toxic wastes as herein defined.* Hamel said the total proposed and designed wastewater flow is 800 gallons a day. There is no storage of hazardous or toxic wastes onsite. He said regulations do not allow more than 1,000 gallons per day and they are doing less (800) and Hamel said that is in compliance.
3. *The proposed use will not result in undue damage to spawning grounds and other wildlife habitat.* Hamel said all work is greater than 50 feet from the resource area. NH Natural Heritage Bureau stated in a letter dated January 29, 2014 (on file) that there are no sensitive species present on this site.
4. *The proposed use complies with the use regulations identified in Section 3 and all other applicable section of this article.* Hamel said the proposed use does comply.
5. *The design and construction of the proposed use will be consistent with the intent of the purposes set forth in Section 8.4.1.* The project will be reviewed by the PB consultants under the Site Plan Review regulations to determine compliance.

Stevens said there seems to be concern of what the definition of "building" is, as the zoning ordinance 700.004.003.003 prohibits a building within the setback.

Hamilton asked about the shoreland district line disappearing when it gets to the well radius. Greenwood is concerned that snow storage may be inappropriate if the district line indicates the storage will be within that area. Hamel said when the beaver dam was there, the area was flooded and there was no stream there. He said he had to stop the shoreland line because he did not have a stream to go beyond there, to measure. He showed where the filtration area is for the snow storage, where it gets filtered through 4 feet of soil. He said there is no storage within the swale.

Hamel said the parking will be building activity, but not a building, and therefore should be allowed. There are different setbacks for buildings, and other activity.

Stevens recommended a site walk at this point, and all agreed to hold a site walk on Tuesday, August 12th at 5:30.

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Hamel responded to the portion of the CC letter that states that this site is in the highest ranked wildlife habitat in biological region, and is within 500 feet of the Exeter River. Hamel provided a map from the NH Fish and Game Wildlife Action Plan and he showed that while the tip of the property is within the highest ranked wildlife habitat in biological region, the construction activity is not within this region. He added that their activity is more than 900 feet from the river. Hamel said those two points in the CC letter are incorrect.

Motion made by Stevens, 2nd by Johnston to continue this hearing to August 21 at 7:00: all were in favor. Hamel and Hayward thanked the Board.

New Hearing: The Brentwood Planning Board will hold a public hearing for the purpose of approving the 2014 Impact Fee Assessment Schedule for the Municipal Office, Police, Fire-Rescue, Recreation, School and Library.

The Planning Board hired BCM Planning, LLC in 2013 to provide an Impact Fee Update and members last met with consultant Bruce Mayberry on April 17, 2014 to review and discuss the 2014 update. Mayberry explained the methodology in the new figures. The final draft was submitted to the PB June 5th for review, and on June 19th the PB voted to hold the public hearing.

Motion made by Hamilton, 2nd by Kennedy to adopt the following 2014 Impact Fee Schedule as prepared by BCM, LLC:

	<-----RESIDENTIAL DEVELOPMENT PER UNIT----->			COMMERCIAL
Impact Fee Account	Single Family Detached	Attached & 2 or More Unit Structures	Manufactured Housing	Non-Residential Development
Police	\$394	\$369	\$328	\$0.14 per sq. ft.
Municipal Office	\$542	\$508	\$451	\$0.12 per sq. ft.
Recreation	\$976	\$925	\$826	n.a.
Library	\$759	\$744	\$675	n.a.
Schools	\$ 5,768	\$3,711	\$4,631	n.a.
Fire	947	\$1,082	\$1,052	\$0.41
Totals	\$9,386	\$7,339	\$7,963	\$0.67 per sq ft

7/24/2014

The motion carried by unanimous vote.

Motion made by Stevens, 2nd by Kennedy to approve the July 17 minutes: the motion carried with Johnston abstaining as he was not present.

Motion to adjourn at 8:40 made by Kennedy, 2nd by Hamilton to adjourn: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire, Administrative Assistant
Brentwood Planning Board